

THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE UNITED STATES OF AMERICA,

Case No. 1:20-CR-183

Plaintiff,

v.

Hon. Robert J. Jonker
Chief U.S. District Court Judge

ADAM DEAN FOX,
BARRY GORDON CROFT, JR.,
KALEB JAMES FRANKS,
DANIEL JOSEPH HARRIS,
BRANDON MICHAEL-RAY CASERTA,

Defendants.

**DEFENDANTS' MOTION FOR LEAVE TO FILE DEFENDANTS' MOTION
IN LIMINE REGARDING ADMISSION OF OUT-OF-COURT STATEMENTS
AND MEMORANDUM IN SUPPORT**

Defendants, through counsel, move this Court for leave to file their motion in limine regarding admission of out-of-court statements, and memorandum in support, despite these materials exceeding the local rules' word-count limitations.

IN SUPPORT THEREOF, the defendants state:

1. They have prepared a motion in limine regarding admission of out-of-court statements, and a memorandum in support of this motion, in this case.
2. The memorandum prepared in support of the motion is relatively fact intensive.
3. The government takes no position with this instant motion, although it contests the relief sought in the underlying motion.

4. Local Criminal Rule 47.2(b)(i) provides, in part, that briefs filed in support of non-dispositive motions shall not exceed 4,300 words, absent leave of court.

5. The defendants contend that the length of the present memorandum is reasonable in light of the number of issues raised, the records in controversy, the factual and legal complexity involved, and the need for thoroughness to preserve all possible issues in case of an appeal. The memo runs to 5,235 words.

WHEREFORE, the defendants request this Court grant leave to file the attached motion in limine regarding admission of out-of-court statements, and the concomitant memorandum in support.

Date: December 17, 2021 By: /s/ Christopher Gibbons
Christopher Gibbons
Attorney for Defendant Fox

Date: December 17, 2021 By: /s/ Joshua A. Blanchard
Joshua A. Blanchard
Attorney for Defendant Croft

Date: December 17, 2021 By: /s/ Scott Graham
Scott Graham
Attorney for Defendant Franks

Date: December 17, 2021 By: /s/ Julia Kelly
Julia Kelly
Attorney for Defendant Harris

Date: December 17, 2021 By: /s/ Michael Hills
Michael Hills
Attorney for Defendant Caserta

IT IS SO ORDERED

/s/ Robert J. Jonker
Robert J. Jonker
Chief U.S. District Court Judge

Dated: December 29, 2021